

REMARKS

This paper is submitted in response to the non-final Office Action mailed December 26, 2008, wherein (a) claims 1-9, 11-16, 18-22, 25-30, 32, 33, 35-40, 42-44, 46, 48, and 50-53 were rejected under 35 U.S.C. §102(b) as anticipated by Aidlin (U.S. 5,542,789); and (b) claims 10, 17, 34, 41, 47, and 49 were rejected under 35 U.S.C. §103(a) as obvious over Aidlin in view of Leonard (U.S. 6,305,528).

Claims 1-23 and 25-54 remain pending. By way of the foregoing, claims 1-23, 25-48, 50, 52, and 54 are “currently amended.” No new matter is added.

The present application is directed to a device capable of handling bottles of many different sizes with just one pneumatic system. This is achieved by providing at least one guide railing that is adjustable across a direction of conveyance. To effectuate this adjustability, the system is provided with a plurality of movable stops that can be selectively introduced into a plurality of different preset positions, for example, bores bores 7, 7', 7", etc. So configured, bottles of many different sizes can be handled.

To clarify this aspect of the invention, independent claims 1 and 25 are amended herein to recite that the stops are introducible at one or more preset positions *across* the adjustment path(s)/pathway(s). That is, the stops do not *move* along the path(s)/pathway(s), but rather, are merely introducible and fixedly positioned into one of the preset positions. Support for the “across” language can be found in paragraph [0010] in combination with Fig. 2b of the originally-filed application, for example. Support for the “introducible” language can be found in paragraphs [0018] and [0023] of the originally-filed application, for example.

In the Office Action, claims 1 and 25 were rejected as anticipated by Aidlin because, in the opinion of the examiner, “Aidlin teaches at least one guide railing (42) which is adjustable across a direction of conveyance and is operable by at least one actuator drive (60), and a plurality of movable stops (48) that are optionally be [sic] placed in one or more the [sic] adjustable pathways of the guide railing (42) to and [sic] delimit at least one guide railing (42) and define various railing positions (C4 L60-61).” Office Action, page 3.

Without conceding or taking a position as to the merits of the examiner’s interpretation of Aidlin, Applicant submits that the pistons 48 of Aidlin, which the examiner has equated to the “stops” of the present invention, are always disposed within the pathway of

the guide railing. The pistons 48 are **not** introducible **across** the adjustment pathways. So configured, the device disclosed by Aidlin is not as flexible as the device claimed in the present application. For example, the device of Aidlin has two pneumatic systems 58, 60 on each side of the guide assembly and is only able to handle four different sizes of bottles. *See*, Fig. 2; and col. 5, lines 55-56. If the handling of a bottle of a fifth size is desired, a third pneumatic system would necessarily have to be introduced to the system of Aidlin.

In addition to the foregoing deficiency, Applicant respectfully submits that the mechanism of Aidlin does not even disclose “stops” that establish preset positions that delimit the guide railing, as recited in claims 1 and 25. Instead, the blocks and pistons 48 merely provide for the “automatic repositioning of the side rails as a function of the size of the bottles being fed.” *See* Aidlin, col. 1, lines 56-64. The pistons 48 only extend or retract until the guide railing 42 contacts the sides of the bottles 12. *See* Aidlin, col. 4, lines 60-65; col. 5, line 59-col. 6, line 17; and Figs. 1-6. Therefore, it is the bottles themselves that delimit the guide railing, and **not** one of a plurality of stops that has been placed at a preset position.

In light of the foregoing, Aidlin cannot anticipate amended claims 1 and 25. Reconsideration and withdrawal of the outstanding anticipation and obviousness rejections is respectfully requested.

CONCLUSION

Applicant submits that all outstanding objections, rejections, and other concerns have been either accommodated, traversed, or rendered moot. Therefore, the present application is in condition for allowance. If there are any remaining issues that the Office believes may be remedied via telephone conference, please feel free to contact the undersigned at (312) 474-6300.

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Respectfully submitted,

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